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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 RICHARD ROY SCOTT,

10 Plaintiff,

11 v.

12 KELLY CUNNINGHAM,

Defendant.

No. C11-5509 BHS/KLS

ORDER REGARDING PLAINTIFF'S
"MOTION FOR SELF RECUSAL"

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14 On September 21, 2011, Plaintiff filed a "Motion for Self Recusal" and requested that the
15 Honorable Karen L. Strombom, United States Magistrate Judge, recuse herself from these
16 proceedings. Dkt. No. 38. Plaintiff requests that the undersigned recuse herself "for failure to
17 rule on any motion or demand response to unopposed motions or to rule on discovery." Id.
18 Pursuant to Local General Rule 8(c), Judge Strombom reviewed Plaintiff's motion, declined to
19 recuse herself voluntarily, and referred the matter to the undersigned. Dkt. No. 45. Plaintiff's
20 motion is therefore ripe for review by this Court.

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22 Having reviewed the record in the above-entitled matter, the Court finds no grounds
23 requiring Judge Strombom to recuse herself and DENIES the motion.

24 **DISCUSSION**

25 Pursuant to 28 U.S.C. § 455(a), a judge of the United States shall disqualify herself in any
26 proceeding in which her impartiality "might reasonably be questioned." A federal judge also

1 shall disqualify herself in circumstances where she has a personal bias or prejudice concerning a
2 party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C.
3 § 455(b)(1).

4 Under both 28 U.S.C. §144 and 28 U.S.C. § 455, recusal of a federal judge is appropriate
5 if “a reasonable person with knowledge of all the facts would conclude that the judge’s
6 impartiality might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d 622, 626
7 (9th Cir.1993). This is an objective inquiry concerned with whether there is the appearance of
8 bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th
9 Cir.1992); *United States v. Conforte*, 624 F.2d 869, 881 (9th Cir.1980). In *Liteky v. United*
10 *States*, 510 U.S. 540 (1994), the United States Supreme Court further explained the narrow basis
11 for recusal:
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13 [J]udicial rulings alone almost never constitute a valid basis for a bias or partiality
14 motion. . . . [O]pinions formed by the judge on the basis of facts introduced or
15 events occurring in the course of the current proceedings, or of prior proceedings,
16 do not constitute a basis for a bias or partiality motion unless they display a deep
17 seated favoritism or antagonism that would make fair judgment impossible. Thus,
18 judicial remarks during the course of a trial that are critical or disapproving of, or
19 even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias
20 or partiality challenge.

21 *Id.* at 555.

22 Plaintiff’s motion for Judge Strombom to recuse herself was based, not on any ruling she
23 had made, but on her failure to rule on certain motions in a manner which Plaintiff deemed
24 timely. These allegations do not implicate any personal bias or prejudice on Judge Strombom’s
25 part towards any part, nor any personal knowledge of disputed evidentiary issues. This Court
26 cannot reasonably question Judge Strombom’s impartiality.

1 **CONCLUSION**

2 There is no reasonable basis for a voluntary recusal in this instance.

3 Accordingly it is hereby **ORDERED** that the undersigned **DENIES** Plaintiff's motion
4 for Judge Strombom to recuse herself voluntarily.
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6 The Clerk of the Court shall send a copy of this Order to Plaintiff and to any parties who
7 have appeared in this action.
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9 DATED this 14th day of October, 2011.
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13 Marsha J. Pechman
14 Chief United States District Judge
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